

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP

Attorneys and Counselors at Law

Michael J. Cunningham
Robert H. Iseman
Carol A. Hyde
Brian M. Culnan
Richard A. Frankel
Richard A. Mitchell
Karen E. Sosler
James P. Lagios
John F. Queenan
Joshua E. Mackey

9 Thurlow Terrace • Albany, NY 12203
Phone 518-462-3000 Facsimile 518-462-4199
www.icrh.com

2649 South Road • Poughkeepsie, NY 12601
Phone 845-473-8100 Facsimile 845-473-8777

Laurie K. Chisolm**
Penny M. Hahn
Marc A. Antonucci
Linda J. Turner**
Omer Gil
Frank P. Izzo
Michael W. Deyo
Michelle Almeida+

+Also Admitted in Connecticut
°Also Admitted in Massachusetts
*Also Admitted in New Jersey
**Also Admitted in Vermont

Frederick C. Riester
Senior Counsel

July 25, 2012

Hon. Andrew T. Baxter
U.S. Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7396
Syracuse, NY 13261-7396

**Re: UFP Atlantic Division, LLC v. Route 299 Retail Center, LLC, et al.
Case No. 1:12-cv-053 MAD/ATB**

Dear Judge Baxter:

This office represents the Plaintiff in the above action, UFP Atlantic Division, LLC.

A scheduling conference was held in this matter on July 17, 2012, during which a briefing schedule was established for Plaintiff's anticipated summary judgment motion. Plaintiff was to file its motion by July 25, 2012, the defendants' responses were to be due August 29, 2012, and Plaintiff's reply was to be due September 7, 2012.

After conferring with counsel for defendants Route 299 Retail Center, LLC, Highland Square Development, LLC, Michael Barnett, and Denise Barnett, the parties have agreed to adjourn the motion dates referenced above, in order to provide an opportunity to resolve certain issues which would otherwise be the subject of Plaintiff's motion. The requested adjournment may obviate the need for filing a summary judgment motion on Plaintiff's foreclosure claim.

It is respectfully requested that the briefing schedule be adjusted as follows, in the event Plaintiff finds it necessary to file its summary judgment motion:

1. Plaintiff's motion is to be filed by August 8, 2012.
2. Defendants' responses are to be filed by September 12, 2012.
3. Plaintiff's reply is to be filed by September 21, 2012.

Thank you for your time and consideration.

Hon. Andrew T. Baxter
Page 2
July 25, 2012

Respectfully Submitted,

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP



Michael W. Deyo (Bar Roll No. 516168)
Attorneys for Plaintiff

cc: via ECF to all counsel